



# ***CITY COUNCIL AGENDA REPORT***

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MEETING DATE: DECEMBER 6, 2004

ITEM NUMBER:

**SUBJECT: DA-04-04 ANNUAL REVIEW OF SOUTH COAST METRO CENTER  
DEVELOPMENT AGREEMENT (DA-99-01)  
475 - 595 (ODD NUMBERS ONLY) ANTON BOULEVARD**

**DATE: NOVEMBER 24, 2004**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: DONALD D. LAMM, AICP, DEPUTY CITY MGR.-DEV.SVS. DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, PRINCIPAL PLANNER  
(714) 754-5604**

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## **RECOMMENDATION:**

The Planning Commission recommends the following:

1. Determine and find that McCarthy Cook & Co.-South Coast Metro, LLC and BRE/South Coast, LLC have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-99-01 (Agreement).
2. Delegate future formal periodic reviews to the Planning Commission and allow the next formal review to occur when hotel development activity begins.

## **BACKGROUND:**

The South Coast Metro Center is a 45-acre campus located on the south side of Anton Boulevard, just east of the new Avenue of the Arts off-ramp (see Attachment 1). In July 1999, the City of Costa Mesa entered into this 15-year development agreement (agreement) with McCarthy Cook. This agreement was approved in conjunction with the City's approval of General Plan amendment GP-98-08, North Costa Mesa Specific Plan amendment SP-98-04, and Master Plan amendment PA-98-77.

The agreement provides assurances to McCarthy Cook that they may proceed with development, in conformance with existing land use regulations, for a period of 15 years. In exchange for these assurances, the City realizes public benefits in the form of dedications and easements for circulation improvements and bus turnouts, an improved pedestrian access way, and a parking structure that enhances existing on-site parking.

On October 8, 2004, the Planning Commission recommended Council find the developer in good faith compliance with the agreement. Commission also recommended that future formal periodic reviews be delegated to them and the next formal review occur when hotel development activity begins. The Planning Commission meeting minutes and staff report are provided in Attachment 2.

## **ANALYSIS:**

This review's purpose is to determine if McCarthy Cook has made a good faith effort to comply with the Agreement's provisions. For DA-99-01, these benefits are described in Section 2.1 of the Agreement (see Attachment 2).

As documented in last year's annual review, McCarthy Cook has completed all but one of their obligations. The remaining obligation may be for an irrevocable offer to dedicate leasehold interests for one more bus turnout on Anton Boulevard. McCarthy Cook has already dedicated the necessary leasehold interests for a new bus turnout at Anton Boulevard and Experian Way. At this time, the City and OCTA do not have any plans for additional bus turnouts within this development. If such a need arises in the future, the City will work with the developer regarding the necessary dedication.

### *Remaining Entitlements/Future Construction*

The only remaining entitlement addressed in the Agreement is the new hotel. At this time, McCarthy Cook is continuing to market the hotel site but does not anticipate development in the very near term.

## **ALTERNATIVES CONSIDERED:**

If Council finds the developer is not in compliance with the agreement's terms, evidence supporting that determination would be required.

## **FISCAL REVIEW:**

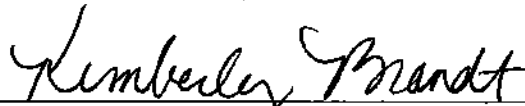
No fiscal review is required.

## **LEGAL REVIEW:**

The City Attorney's office concurs that McCarthy Cook is in good faith compliance with DA-99-01.

## **CONCLUSION:**

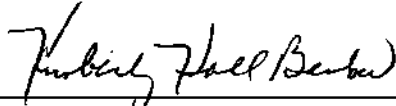
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KIMBERLY BRANDT, AICP  
Principal Planner



DONALD D. LAMM, AICP  
Deputy City Mgr.-Dev. Svs. Director



KIMBERLY HALL BARLOW  
City Attorney

DISTRIBUTION: City Manager  
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City Attorney  
City Engineer  
Staff (4)  
File (2)

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McCarthy Cook & Company  
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Los Angeles, CA 90036

Mr. Philip Schwartze  
PRS Group  
31682 El Camino Real  
San Juan Capistrano, CA 92675

ATTACHMENTS: 1. Vicinity Map  
2. Planning Commission Staff Report and Minutes

File: 120604DA0404

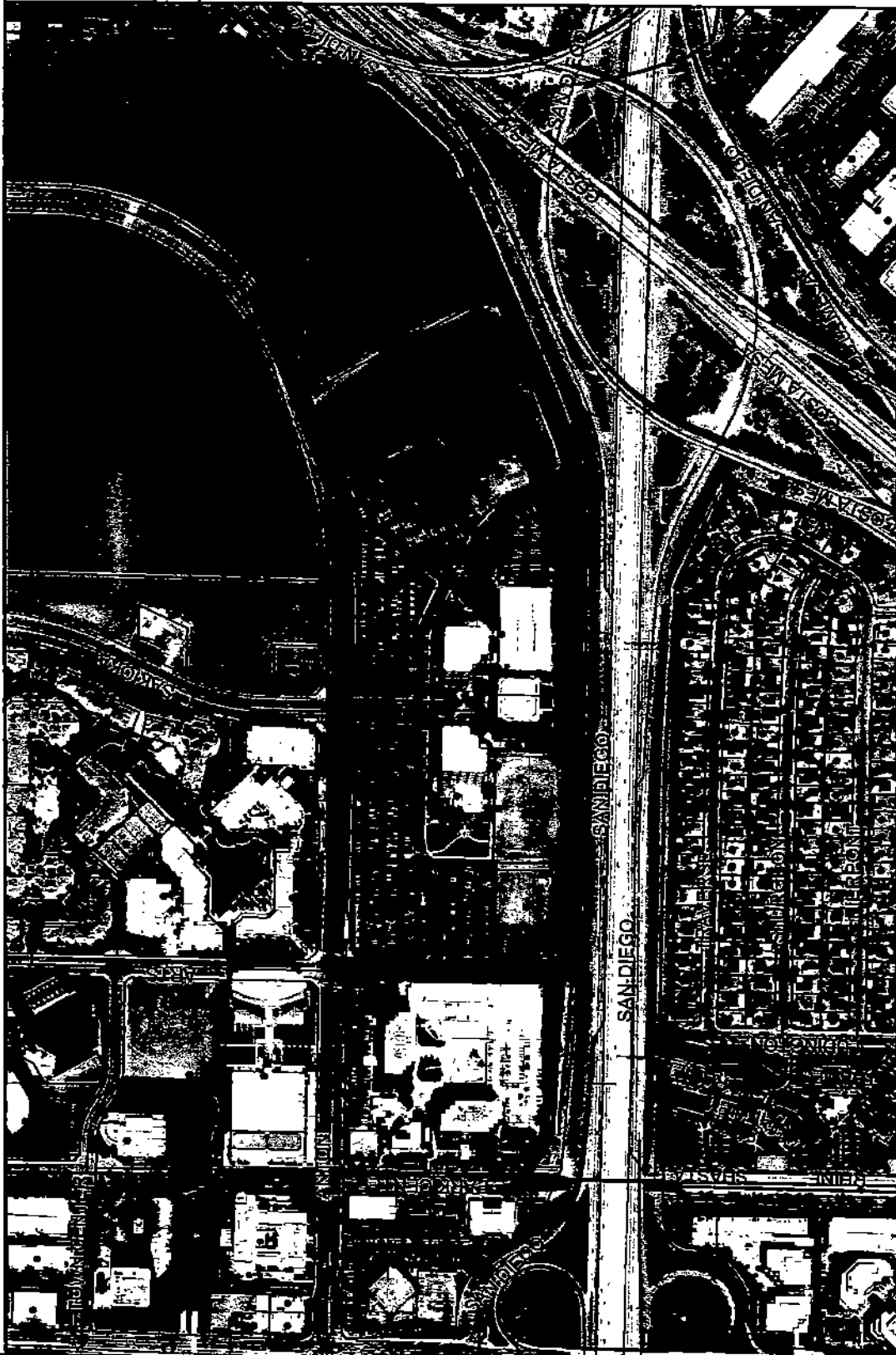
Date 100904

Time 2 pm

# **ATTACHMENT 1**

## **VICINITY MAP**

# Metro Center at South Coast/Experian



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*WARNING: This map does not meet national map accuracy standards and cannot be used for engineering pur*

## **ATTACHMENT 2**

### **PLANNING COMMISSION STAFF REPORT AND MEETING MINUTES**



# **CITY OF COSTA MESA**

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,  
PLEASE CONTACT THE CITY CLERK AT (714) 754-5223**